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Western Sahara

Working paper prepared by the Secretariat

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I. General

1. A detailed account of the general conditions and developments relating to Western Sahara was provided in the previous working paper on the Territory prepared by the Secretariat, dated 22 May 2000 (A/AC.109/2000/7).

II. Good offices of the Secretary-General

2. Pursuant to General Assembly resolution 54/87 of 6 December 1999, the Secretary-General submitted to the General Assembly at its fifty-fifth session a report on the question of Western Sahara dated 19 August 2000 (A/55/303). The report covered the period from 1 September 1999 to 31 August 2000 and reviewed the action taken by the Secretary-General in the exercise of his good offices with the parties concerned, in close cooperation with the Chairman of the Organization of African Unity (OAU), and the activities of his Special Representative and his Special Envoy. It also reviewed major developments during the period. Since that report, the Secretary-General, in close cooperation with the Chairman of OAU, has continued to exercise his good offices with the parties concerned.

3. During the period under review and pursuant to Security Council resolutions 1292 (2000) of 29 February 2000, 1301 (2000) of 31 May 2000, 1309 (2000) of 25 July 2000 and 1324 (2000) of 30 October 2000, the Security-General presented four reports to the Security Council on the situation concerning Western Sahara (S/2000/461, S/2000/683 S/2000/1029 and S/2001/148).

4. On 22 May 2000, the Secretary-General submitted to the Security Council a report (S/2000/461) pursuant to Security Council resolution 1292 (2000), by which the Council extended the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) until 31 May 2000 and supported the intention of the Secretary-General to ask his Personal Envoy, James A. Baker III, to consult the parties and, taking into account existing and potential obstacles, to explore ways and means to achieve an early, durable and agreed resolution of their dispute.

5. In that report, the Secretary-General informed the Security Council that his Personal Envoy had undertaken a visit to the region from 8 to 11 April 2000, for preliminary discussions with the two parties and the two neighbouring countries. In Algiers, Mr. Baker had been received by the Minister of Justice of Algeria, Ahmed Ouyahia, and also met with the Prime Minister, Ahmed Benbitour, and other senior Algerian government officials. In the Tindouf area, the Personal Envoy had met with the Secretary-General of the Frente Popular para la Liberación de Saguia el-Hamra y de Rio de Oro (Frente Polisario), Mohamed Abdelaziz and the Frente Polisario leadership. Mr. Baker had also met with the head of the observer delegation of OAU to MINURSO, Yilma Tadesse.

6. In Rabat, the Personal Envoy had been received by His Majesty King Mohammed VI, and had met with Prince Moulay Rachid, the Prime Minister and other senior officials of the Government of Morocco. Owing to illness, the Personal Envoy had not been able to visit Nouakchott, but had discussed his mission with the President of Mauritania, Maaouya Ould Sid' Ahmed Taya, on the telephone.

7. On his return from the region, the Personal Envoy had undertaken consultations with the Spanish and the French authorities in Madrid and in Paris respectively. The Secretary-General had expressed his appreciation to the Government of Spain, whose decision to make an aircraft available had greatly facilitated the visit of the Personal Envoy to the region.

8. Following his preliminary contacts in the region, the Personal Envoy had advised the Secretary-General that it would be necessary to convene a meeting between the parties in order to consider the problems in implementing the United Nations settlement plan (S/21360 and S/22464 and Corr.1) and the Houston agreements (S/1997/742, annexes I-III), as well as other possible approaches. Concurring fully with those views, the Secretary-General had invited the parties to hold high-level, face-to-face discussions in London on 14 May 2000, under the auspices of his Personal Envoy. In his letters of invitation to the parties, the Secretary-General had specified that the discussions would be private and that, as had been the case in the direct talks held under the auspices of the Personal Envoy in 1997, no issue would be considered as finally agreed until every outstanding issue had been agreed. In similar letters the Secretary-General had also invited the two neighbouring countries, Algeria and Mauritania, to attend the London meeting as observers.

9. The meeting had been held in London on 14 May 2000 as planned, with the parties meeting in face-to-face discussions for the first time since the 1997 direct talks. Algeria and Mauritania had sent observers to the meeting.

10. The Secretary-General informed the Security Council that there had been a frank exchange of views during the discussions. The meeting had been inconclusive, however, and the Personal Envoy had called upon the parties to come forward at a meeting to be held in June, with concrete solutions to the multiple problems of the settlement plan that the parties could agree to, or else be prepared to consider and discuss other ways to achieve an early, durable and agreed resolution of their dispute over Western Sahara.

11. By February 2000, MINURSO had received a total of 54,889 appeals from the second part of the provisional voter list, the overwhelming majority of which (53,327) were against exclusion from the provisional voter list, while most of the remaining 1,562 appeals were challenges against the inclusion of applicants in the second provisional voter list for voter eligibility. Together with the 79,000 appeals already received, this brought the total to more than 130,000.

12. Thanking Mr. Baker for pursuing his efforts with the parties, the Secretary-General recalled that Mr. Baker had stressed during his consultations in the region from 8 to 11 April 2000 and in London on 14 May that the implementation of the settlement plan had been impeded year after year by fundamental differences between the parties over the interpretation of its main provisions and that the prospects for holding the referendum were as distant as ever.

13. During the meeting in London, the views expressed by the two parties had only served to reinforce the United Nations assessment of their widely divergent positions as neither side had offered any constructive suggestions on the way forward. Under such circumstances, the Personal Envoy had asked the parties to bring to a further meeting, which could be held in June 2000, specific solutions that could be agreed to, in order to resolve all outstanding settlement plan issues, or be prepared to consider and discuss other ways to achieve an early, durable and agreed resolution of their dispute over Western Sahara.

14. Concluding, the Secretary-General expressed strong hope that, as requested by the Personal Envoy, the parties would offer specific and concrete solutions to the multiple problems relating to the implementation of the settlement plan that could be agreed to. Alternatively, the parties should be prepared to consider other ways of achieving an early, durable and agreed resolution of their dispute over Western Sahara. He recommended that the Security Council extend the mandate of MINURSO until 31 July 2000.

15. On 31 May 2000, the Security Council adopted resolution 1301 (2000), in which it extended the mandate of MINURSO until 31 July 2000, with the expectation that the parties would offer to the Secretary-General's Personal Envoy specific and concrete proposals that could be agreed to in order to resolve the multiple problems relating to the implementation of the settlement plan and explore all ways and means to achieve an early, durable and agreed resolution to their dispute over Western Sahara.

16. Pursuant to that resolution, the Secretary-General submitted a report to the Council on 12 July 2000 (S/2000/683). The Secretary-General informed the Security Council that pursuant to the provisions of the resolution, the parties had been invited to meet in London on 28 June 2000 under the auspices of his Personal Envoy and under the same conditions as those during the meeting held in May. The two neighbouring countries, Algeria and Mauritania, had also been invited to attend the London meeting as observers.

17. During the meeting, there had been a frank and full exchange of views. Each party had been asked by the Personal Envoy to present its proposals. The Frente POLISARIO had identified two areas of difficulty, namely, the conduct of the appeals process and the repatriation of refugees. It had reiterated its willingness and availability to cooperate with the United Nations to resolve all problems encountered in the implementation of the settlement plan and to examine any proposals by the United Nations aimed at launching the appeals process. The Frente POLISARIO had reconfirmed its commitment to continue its cooperation with the Office of the United Nations High Commissioner for Refugees (UNHCR) in carrying out the UNHCR mission according to normal practice and principles concerning repatriation, and it reaffirmed its commitment to implementing the confidence-building measures proposed by UNHCR and its attachment to the settlement plan and the Houston agreements. It had reiterated its promise to respect the results of the referendum of self-determination for the people of Western Sahara with the hope that Morocco would do

the same and had stressed that it would be up to the Security Council to take the necessary measures to ensure respect for the referendum's results.

18. Morocco had identified four areas that in its view were impeding the implementation of the settlement plan, namely, the conduct of the appeals process; the reinstatement of some 7,000 applicants in the voting lists since, in Morocco's view, their exclusion from the voting lists after they had originally been included was contrary to the settlement plan; the repatriation of Saharan refugees; and the issue of Saharans who had reached voting age by 31 December 1993 but who had not participated in the identification process. In Morocco's view, those individuals should be identified or at least permitted to lodge appeals in order to allow all Saharans to participate in the referendum, adding that Morocco would not take part in a referendum where any Saharan who might be entitled to vote was not allowed to do so, as the right to self-determination meant the right of all Saharans to decide their fate.

19. In the appeals process, Morocco had identified two areas of concern to it. The question of admissibility, which in Morocco's view should be limited to a procedural review with the appeals forwarded to the Appeals Chamber for a proper hearing, and the issue of the concurrent testimony by two sheikhs, which Morocco found unacceptable since it felt that it would be prejudicial to its applicants as it had been during the identification process. Morocco would not agree to submit testimony by new witnesses in the presence of the POLISARIO sheikhs during the appeals process.

20. Concerning the repatriation of refugees, Morocco had considered that UNHCR should ascertain the real wishes of every refugee to return and had pointed out that for security, economic and political reasons, the repatriation could not take place east of the berm. Morocco had also reiterated its willingness to cooperate with UNHCR in implementing the confidence-building measures and felt that the repatriation should be completed before the end of 2000. Morocco had promised to support all efforts by the United Nations to address the injustices that, in its view, had been perpetrated against thousands of authentic Saharans and to remain a true partner in the search for a definitive solution to the question of Western Sahara.

21. The Secretary-General pointed out that, during the meeting, there had not been any specific proposals from either party that both parties could agree to in order to resolve the multiple problems of the settlement plan.

22. Further to the areas of difficulty highlighted by the parties, the Personal Envoy had added that, in his view, the issues of enforcement of the results of the referendum, prisoners of war and Saharan political detainees were yet to be resolved, as were possible problems related to the implementation of the code of conduct for the referendum campaign, which had yet to be tested. He had also expressed concern that the parties had so far failed to negotiate their problems, as there still existed a high level of animosity between them. Neither party had shown any disposition to depart from the "winner take all" mentality and neither party appeared willing to discuss political solutions in which each would get some, but not all, of what it wanted and would allow the other side to do the same. After asking each party for concrete proposals to bridge their differences and receiving none, the Personal Envoy had expressed the view that the meeting, instead of resolving problems, had in fact moved things backwards.

23. Mr. Baker had appealed to the parties that there should be no return to violence or war, even though there appeared to be no imminent solution. He had asked them to think about meeting again in order to consider a political solution, explaining that a political solution could be one of a number of things. It could be a negotiated agreement for full integration of Western Sahara with Morocco, or it could be a negotiated agreement for full independence, although in his view neither prospect appeared likely. In addition, a negotiated agreement could bring a solution for something in between those two results. And finally, a political solution could be an agreement permitting a successful implementation of the settlement plan. He had reiterated to the parties that, by agreeing to discuss a political solution other than the settlement plan, they would not prejudice their positions as, according to the rules of the consultations, nothing would be agreed to until everything had been agreed to.

24. The Personal Envoy had then asked the parties to participate in expert-level meetings at Geneva to address the questions of the appeals process, prisoners of war and refugees under the auspices of the Special Representative and the Deputy to the Personal Envoy.

The Secretary-General had expressed his appreciation to the Government of the United Kingdom of Great Britain and Northern Ireland for having hosted those direct talks, for the second time.

25. The Secretary-General had also expressed his appreciation for the close cooperation extended to MINURSO by the observer delegation of OAU led by Yilma Tadesse in support of the settlement plan.

26. The Secretary-General informed the Security Council that, during the reporting period, consultations had continued between UNHCR and the parties and it had been noted that certain activities, such as confidence-building measures, could only start after the parties and the refugees had agreed to the modalities for implementing those measures.

27. The Secretary-General pointed out that the second London meeting, instead of making progress, had moved things backwards. After stating their already known respective positions, neither party had appeared willing to offer any concrete proposals to bridge the differences between them. Nor had they appeared disposed to put aside their mutual animosity and even begin to negotiate a political solution that would resolve their dispute over Western Sahara.

28. Concluding the rather bleak assessment of the current situation, the Secretary-General had suggested that the Security Council reflect on the problem of ensuring that the results of the referendum, were one to be held, would be respected by the parties. As the Personal Envoy had pointed out to the parties during the London meeting and as the Secretary-General himself had already stated in his report dated 17 February 2000 (S/2000/131), there was no enforcement mechanism envisioned by the settlement plan, nor was one likely to be proposed, calling for the use of military means to effect enforcement.

29. He had expected his Personal Envoy to meet again with the parties, in the presence of the observer States, in order to try to resolve the multiple problems relating to the implementation of the settlement plan and to try to agree upon any other political solution to their dispute over Western Sahara. In the meantime, he had recommended that the Security Council extend the mandate of MINURSO until 31 October 2000.

30. On 25 July 2000, the Security Council adopted resolution 1309 (2000), in which it extended the mandate of MINURSO until 31 October 2000, with the expectation that the parties would meet in direct talks under the auspices of the Secretary-General's Personal Envoy to try to resolve the multiple problems relating to the implementation of the settlement plan and to try to agree upon a mutually acceptable political solution to their dispute over Western Sahara.

31. In his report of 25 October 2000 (S/2000/1029), submitted pursuant to Security Council resolution 1309 (2000), the Secretary-General had recalled that his Personal Envoy had asked the two parties to participate in expert-level technical meetings to address outstanding issues relating to the appeals process, prisoners of war, political detainees and the implementation of confidence-building measures for the return of Saharan refugees. Those meetings had been convened by the Special Representative of the Secretary-General, William Eagleton, and the Deputy to the Secretary-General's Personal Envoy, John R. Bolton, at Geneva on 20 and 21 July 2000. The Moroccan and Frente POLISARIO delegations had been headed by their coordinators with MINURSO, Mohamed Loulichki and M'hamed Khaddad. Representatives of UNHCR and of the International Committee of the Red Cross (ICRC) participated in the discussions on refugees and prisoners of war, respectively.

32. Separate meetings had been held between the United Nations and the two parties on the points contained in the agreed agenda. The Frente POLISARIO had indicated that it was not in a position to discuss the release of the 1,686 Moroccan prisoners of war held by the Frente POLISARIO while refugees in the Tindouf camps were living in unacceptable conditions. For its part Morocco, had raised the issue of the fate of the prisoners of war, and had also provided a general account of the status of 207 Saharans, presumed political prisoners and detainees, whose names had been provided to the Moroccan authorities by the independent jurist in 1998, and reported that only one of those listed was still detained in Morocco. On 28 September, Morocco had provided further information in an annotated list. A copy of the list had been given to Frente POLISARIO on 9 October 2000 by the Secretary-General's Special Representative.

33. Subsequently, the parties had been invited to meet at Berlin on 28 September 2000, under the auspices of the Secretary-General's Personal Envoy. The meeting would be held under the same conditions as before,

namely the talks would be private and direct and no issue would be considered agreed until every outstanding issue had been agreed. The two neighbouring countries, Algeria and Mauritania, had again been invited to attend as observers. As before, the Algerian delegation had attended the meeting during the opening statement of the Secretary-General's Personal Envoy, but had not been present during the ensuing discussions between the parties. Mauritania had not sent a delegation to the meeting.

34. During the discussion on the status of the United Nations settlement plan, both parties had reiterated their positions. The Frente POLISARIO had reiterated its commitment to the settlement plan and its readiness to discuss the appeal process. While committed to the plan, Morocco had expressed the view that the way in which the plan was being implemented meant that two thirds of the Saharan population would be excluded from the referendum.

35. Subsequently, the Secretary-General's Personal Envoy had asked the parties whether, without abandoning the settlement plan, they would be interested in pursuing a discussion to find another solution that might or might not be confirmed by referendum. The Frente POLISARIO had responded that it was not ready to discuss anything outside the settlement plan. Morocco had expressed the wish to further explore other ways and means to settle the conflict and had reaffirmed its readiness to explore every avenue, with the assistance of the Secretary-General's Personal Envoy, as long as Morocco's national sovereignty and territorial integrity were respected.

36. The position of Morocco with respect to the implementation of the settlement plan and to a political solution to the dispute had been reiterated in a letter addressed to the Secretary-General by the Permanent Representative of Morocco to the United Nations on 19 October 2000 (S/2000/1003).

37. On 13 October 2000, the Frente POLISARIO had informed the Secretary-General in writing that it had accepted the proposals put forward by the Personal Envoy in Berlin to facilitate the implementation of the confidence-building measures. The Frente POLISARIO had reaffirmed its commitment to the settlement plan and its readiness to continue the dialogue and negotiations with Morocco, under the auspices of the Personal Envoy, within the strict framework of the plan, the Houston agreements and the protocols of May 1999, in order to overcome the final obstacles in the implementation of the settlement plan.

38. On 9 October 2000, the Secretary-General had received a letter from the Permanent Representative of Algeria reiterating his country's support for the Secretary-General's efforts and those of his Personal Envoy and Special Representative to organize a free and impartial referendum for self-determination for the people of Western Sahara.

39. In the conclusions and recommendations of his report to the Security Council, the Secretary-General expressed his regret that he could not report any progress towards overcoming the obstacles to the implementation of the United Nations settlement plan. The technical meetings at Geneva had failed to make progress on the main issues, namely prisoners of war, confidence-building measures for the refugees and the appeal process. The only positive development had been Morocco's accounting of the status of the 207 presumed political detainees included in the list provided by the independent jurist. However, the Secretary-General pointed out that it had not been possible to even begin a simple pilot programme on confidence-building measures because of the concerns expressed by the Government of Morocco.

40. At the Berlin meeting on 28 September 2000, the two parties had reiterated their well-known views, while expressing their continued commitment to the settlement plan and their wish to cooperate with the United Nations. At the conclusion of the meeting, while the Frente POLISARIO had stated its readiness to discuss ways of implementing the appeals procedures, the Moroccan party had proposed that its Government enter into direct talks with the Frente POLISARIO, under the auspices of the Secretary-General's Personal Envoy, to seek a political solution, subject to stated concerns involving Morocco's sovereignty and territorial integrity.

41. The Secretary-General recalled that when he had appointed his Personal Envoy early in 1997, he had asked him to undertake a fresh assessment of the situation, whose purpose would be threefold: to assess, in consultation with the parties, the implementability of the settlement plan in its present form; to examine whether there were any adjustments, acceptable to the parties, which would significantly improve the chances of implementing it in the near future; and, if not, to

recommend other possible ways of resolving the conflict (see S/1997/742).

42. Pursuant to that request and to Security Council resolution 1309 (2000) and in the light of the three rounds of direct talks held in London and Berlin during 2000, the Secretary-General's Personal Envoy, reported that in his view, a view that the Secretary-General shared, further meetings of the parties to seek a political solution could not succeed, and indeed could be counterproductive, unless the Government of Morocco as the administrative Power in Western Sahara was prepared to offer or support some devolution of government authority, for all inhabitants and former inhabitants of the Territory, that would be genuine, substantial and in keeping with international norms.

43. The Secretary-General pointed out that he also shared the view of his Personal Envoy to the effect that, if the Government of Morocco was not prepared to offer or support some devolution of governmental authority that could be discussed at a meeting of the parties during the next extension of the mandate of MINURSO, the Mission should begin hearing the pending appeals from the identification process on an expedited basis, without regard as to how long it might be expected to take to complete them.

44. The Secretary-General recommended that, in view of the position taken by the parties at the conclusion of the Berlin meeting, and in order to provide time to determine (a) whether the Government of Morocco was prepared to offer or support some devolution of governmental authority or (b) whether MINURSO should commence the hearing on the appeals on an expedited basis, the Security Council extend the mandate of MINURSO for a period of four months, until 28 February 2001.

45. On 20 February 2001, the Secretary-General submitted a report (S/2001/148) pursuant to Security Council resolution 1324 (2000) of 30 October 2000, in which the Council extended the mandate of MINURSO until 28 February 2001 and requested the Secretary-General to provide an assessment of the situation before the end of that mandate. The Security Council acted in the expectation that the parties, Morocco and the Frente POLISARIO, would continue to try to resolve the multiple problems relating to the implementation of the settlement plan and try to agree upon a mutually acceptable political solution to their dispute over Western Sahara.

46. The Secretary-General indicated that, during the reporting period, his Personal Envoy, had been required to undertake duties in relation to the presidential elections held in the United States of America, but had informed him subsequently that he was able to fully re-engage in trying to assist the parties in finding an early, durable and agreed resolution to their dispute over Western Sahara.

47. The crossing, in early January 2001, of the Paris-Dakar rally into Western Sahara contributed to a marked increase in tensions between the parties, the repercussions of which, the Secretary-General noted, were still being felt.

48. In a statement issued on 5 January 2001, the Secretary-General's Special Representative had emphasized that passage of the rally did not imply recognition of sovereignty over a Territory whose final status remained to be determined. He stated that military action by either party would constitute a gross violation of the ceasefire and appealed for utmost restraint by all concerned. Several Governments made similar appeals to both parties.

49. On the day the rally crossed into the Territory, on 7 January 2001, a brief communiqué had been issued by the Frente POLISARIO, stating that the rally crossing constituted a flagrant breach of the ceasefire, for which it held Morocco responsible. It added, however, that following appeals by the presidency of OAU, friendly countries, including Algeria, as well as the United States, the Frente POLISARIO had decided to suspend its decision regarding the resumption of military activities.

50. Although that decision had averted the immediate threat to peace in the area, it had not restored the situation to where it had been before the rally. The rally and its aftermath had increased animosity between the parties and seriously raised tensions in the area.

51. In his report, the Secretary-General pointed out that the Identification Commission had continued its work on file consolidation and data quality control, with particular attention to preparations for the technical review of the appeals admissibility and for the appeal hearings on substance. The Commission had received a total of 131,038 appeals, following the issuance of the first part of the provisional voter list in

July 1999 (containing the names of 84,251 applicants identified as eligible to vote, out of 144,369 interviewed by the Commission) and of the second part of the list in January 2000 (containing the names of 2,161 eligible applicants, out of 51,220 interviewed).

52. The overwhelming majority of the appeals filed (115,645) had been against exclusion from the provisional voter list, with most of them (108,708) falling under article 9.1 (iii) of the appeals procedures (that is, applicants rejected by the Identification Commission who were bringing new evidence). Most of those appellants had listed one or two witnesses to support their claims, with only limited documentary evidence, especially as regards appellants from tribal groupings H41, H61 and J51/52. The remaining appeals received were subdivided as follows: 1,260 appellants were claiming that the Commission failed to convoke or to identify them, under article 9.1 (i) of the appeals procedures; 5,079 appellants had claimed force majeure, under article 9.1 (ii) of the appeals procedures; while 643 appellants not identified claimed to be on the 1991 revised census list. The final category of appellants (15,395 persons) included those contesting the inclusion of other persons on the provisional voter list, under article 9.2 of the appeals procedures.

53. Regarding potential additional appellants, the Government of Morocco had estimated that those who had reached 18 years of age after 31 December 1993 might number about 30,000, while the Frente POLISARIO believed that their total number might not exceed 11,000, including 5,000 in Tindouf.

54. The Secretary-General stated that, in his report of 25 October 2000 (S/2000/1029), he had joined ICRC in urging the repatriation, on humanitarian grounds, of all the remaining Moroccan prisoners of war held by the Frente POLISARIO. On 14 December, 201 of the prisoners, more than half of whom had been held for more than 20 years, had been repatriated in a flight from Tindouf (Algeria) to Agadir (Morocco), under the auspices of ICRC. In the wake of that positive development, which had been achieved with the cooperation of Algeria and the Frente POLISARIO, he had once again joined ICRC in calling for the early repatriation of the remaining 1,481 prisoners of war, many of whom were in poor health after a very long detention.

55. The Secretary-General indicated that as of 16 February 2001, the strength of the military component of MINURSO stood at 230 military personnel. Under the command of General Claude Buze (Belgium), the military component had continued to monitor the ceasefire between the Royal Moroccan Army and the Frente POLISARIO military forces, which had come into effect on 6 September 1991. With the end of the hot season in 2000, both the Royal Moroccan Army and the Frente POLISARIO units had increased their training activities, until early December 2000 when observance of the holy month of Ramadan began.

56. Progress had continued in the implementation of the military agreements between MINURSO and the two parties on the marking and disposal of mines and unexploded ordnance and the exchange of related information, until late December 2000. During the reporting period, the Royal Moroccan Army and the military forces of the Frente POLISARIO had conducted a total of 13 operations for the disposal of explosives and ammunition and had marked 28 sites of mines and unexploded ordnance.

57. Such progress, however, could not be reported after late December 2000, in view of the developments regarding the 2001 Paris-Dakar rally. On 31 December 2000, Frente POLISARIO liaison officers had advised MINURSO military observers that, effective 1 January 2001, they would not be allowed within 800 metres of Frente POLISARIO unit locations. On 17 January, the Frente POLISARIO had issued a statement imposing restrictions on the freedom of movement of MINURSO air and ground reconnaissance patrols. At the same time, since 3 January 2001, all Frente POLISARIO units had deployed outside of their confinement locations without prior notification to MINURSO. Such redeployment without prior notification, as well as restrictions on MINURSO's freedom of movement, were in violation of the military agreements between MINURSO and the two parties pertaining to ceasefire arrangements. Those violations had been brought to the attention of the Frente POLISARIO, in a letter from the MINURSO Force Commander dated 16 January 2001. At a meeting in the Tindouf area on 31 January, Frente POLISARIO officials had confirmed to MINURSO that the restrictions imposed on United Nations military observers could not be lifted. Discussions on the issue were continuing at the technical level.

58. On 6 January, the MINURSO Force Commander had received a letter from the Frente POLISARIO

claiming that a Royal Moroccan Army unit had penetrated the same day into the buffer zone (a 5-kilometre strip from the berm), thus violating the military agreements between MINURSO and the parties pertaining to the ceasefire. The Royal Moroccan Army had rejected the allegation, and later MINURSO investigations could not confirm the allegations.

59. In February 2001, the strength of the civilian police component of MINURSO stood at 47 officers, under the command of Inspector General Om Prakash Rathor (India). The civilian police officers continued to protect files and sensitive materials at the Identification Commission centres at Laayoune and Tindouf and to undertake training and planning for possible future activities. In that respect, MINURSO civilian police officers had been briefed by the UNHCR liaison office in Laayoune on the protection content of voluntary repatriation and on international instruments concerning refugees.

60. During the reporting period, UNHCR had continued to carry out its mandated responsibilities for the Saharan refugees in the Tindouf camps in Algeria. Based on the results obtained from the pre-registration and refugee needs assessment exercise, in providing assistance UNHCR paid special attention to the vulnerable groups, including women and children. UNHCR had also continued to consult and cooperate with the Special Representative and MINURSO components regarding the UNHCR role, as foreseen in the United Nations settlement plan.

61. At the initiative of the World Food Programme (WFP) office in Algeria, a group of representatives from the international donor community in Algiers had undertaken a familiarization visit to the refugee camps in Tindouf from 9 to 11 February 2001, to observe the international relief efforts of humanitarian agencies, including UNHCR, WFP, the European Commission Humanitarian Aid Office (ECHO) and several non-governmental organizations. The group had met with refugees and their leadership and discussed with the relief agencies ways of ascertaining food and non-food assistance needs. The group had also visited the humanitarian projects being carried out in the camps, in agriculture, education, health, income-generation and vocational training, with special focus on projects and activities benefiting vulnerable refugees, in particular women and children.

62. In his observations and recommendations, the Secretary-General pointed out that the period since his previous report had witnessed a deterioration in the relations between the two parties. Although at the last minute the Frente POLISARIO had decided not to act on its threat to resume hostilities, a climate of increased mistrust and bitterness had set in between the parties and that was undermining the agreed ceasefire regime.

63. The Secretary-General stated that, regrettably, he could not report any progress towards overcoming the obstacles to the implementation of the settlement plan, or towards determining whether the Government of Morocco, as the administrative Power in Western Sahara, was prepared to offer or support some devolution of authority for all inhabitants and former inhabitants of the Territory that was genuine, substantial and in keeping with international norms. The only positive development during the period had been the decision by the Frente POLISARIO, on 14 December 2000, in keeping with a prior commitment to the Secretary-General's Personal Envoy, to release 201 Moroccan prisoners of war on humanitarian grounds. The Secretary-General expressed his deep appreciation to the Frente POLISARIO for that gesture and to ICRC and all those who assisted in facilitating the repatriation.

64. The Secretary-General stated that his Personal Envoy had recommended to him that the mandate of MINURSO be extended for a period of two months, until 30 April 2001, in order to see whether the Government of Morocco was prepared to offer or support some devolution of governmental authority as described above. Failing such offer or support, MINURSO would be directed to begin hearing the pending appeals from the identification process on an expedited basis, without regard as to how long it might be expected to take to complete them. His Personal Envoy had also advised him that that was the last request that he would support for a mandate extension to provide time to determine if the Government of Morocco was prepared to offer or support some devolution of authority as described above. The Secretary-General pointed out that he shared the views of his Personal Envoy and he recommended that the Security Council extend the mandate of MINURSO for a period of two months until 30 April 2001.

III. Consideration by the Security Council

65. The Security Council considered the reports of the Secretary-General (S/2000/461, S/2000/683, S/2000/1029 and S/2001/148) and took the following action.

66. On 31 May 2000, at its 4149th meeting, the Security Council adopted resolution 1301 (2000), the operative part of which reads:

> "*The Security Council,*
>
> "...
>
> "1. *Decides* to extend the mandate of MINURSO until 31 July 2000, with the expectation that the parties will offer the Secretary-General's Personal Envoy specific and concrete proposals that can be agreed to in order to resolve the multiple problems relating to the implementation of the settlement plan and explore all ways and means to achieve an early, durable and agreed resolution to their dispute over Western Sahara;
>
> "2. *Requests* the Secretary-General to provide an assessment of the situation before the end of the present mandate;
>
> "3. *Decides* to remain seized of the matter."

67. On 25 July 2000, at its 4175th meeting, the Security Council adopted resolution 1309 (2000), the operative part of which reads:

> "*The Security Council,*
>
> "...
>
> "1. *Decides* to extend the mandate of MINURSO until 31 October 2000, with the expectation that the parties will meet in direct talks under the auspices of the Secretary-General's Personal Envoy to try to resolve the multiple problems relating to the implementation of the settlement plan and to try to agree upon a mutually acceptable political solution to their dispute over Western Sahara;
>
> "2. *Requests* the Secretary-General to provide an assessment of the situation before the end of the present mandate;
>
> "3. *Decides* to remain seized of the matter."

68. On 30 October 2000, at its 4211th meeting, the Security Council adopted resolution 1324 (2000), the operative part of which reads:

> "*The Security Council,*
>
> "1. *Decides* to extend the mandate of MINURSO until 28 February 2001, with the expectation that the parties, under the auspices of the Secretary-General's Personal Envoy, will continue to try to resolve the multiple problems relating to the implementation of the settlement plan and try to agree upon a mutually acceptable political solution to their dispute over Western Sahara;
>
> "2. *Requests* the Secretary-General to provide an assessment of the situation before the end of the present mandate;
>
> "3. *Decides* to remain seized of the matter."

69. On 27 February 2001, at its 4284th meeting, the Security Council adopted resolution 1342 (2001), the operative part of which reads:

> "*The Security Council,*
>
> "...
>
> "1. *Decides* to extend the mandate of MINURSO until 30 April 2001, with the expectation that the parties, under the auspices of the Secretary-General's Personal Envoy, will continue to try to resolve the multiple problems relating to the implementation of the settlement plan and try to agree upon a mutually acceptable political solution to their dispute over Western Sahara;
>
> "2. *Requests* the Secretary-General to provide an assessment of the situation before the end of the present mandate;
>
> "3. *Decides* to remain seized of the matter."

IV. Consideration by the General Assembly

70. At the fifty-fifth session of the General Assembly, reference was made to the question of Western Sahara by a number of representatives in their statements during the general debate.

71. During the debate on decolonization items in the Fourth Committee, held from 25 to 29 September 2000, a number of Member States made reference to the question of Western Sahara: Algeria, Cuba, Colombia (on behalf of the Rio Group), Morocco, Madagascar, United Republic of Tanzania, Ghana, Pakistan, Egypt, Antigua and Barbuda, Chile, South Africa, Venezuela, Namibia and Mozambique (see A/C.4/55/SR.3-7).

72. During the consideration of requests for hearings at the 3rd meeting of the Fourth Committee, Morocco requested clarification on a procedural issue (see A/C.4/55/SR.3). At the 4th meeting, the representatives of Morocco, the Secretariat and Algeria made statements regarding a procedural issue (see A/C.4/55/SR.4). At the 6th meeting, during the hearing of petitioners, the representative of Morocco raised a point of order. Also speaking on a point of order at the same meeting were the representatives of Algeria, Antigua and Barbuda, Namibia, South Africa, Papua New Guinea, Senegal, Ghana, the United Republic of Tanzania, Cuba, Zimbabwe, Angola and Jamaica (see A/C.4/55/SR.6).

73. The Fourth Committee also heard statements by petitioners at its 5th to 7th meetings as follows:

(a) At the 5th meeting, on 27 September 2000: Régine Villemont, Secretary-General of the Association des amis de la Republique arabe sahraouie democratique; Margot Kessler, Member of the European Parliament; Carmelo Ramirez Marrero, President of the Federación Estatal de Instituciones Solidarias con el Pueblo Saharaui; Werner Ruf of Medico Internacional; Gajmoula Ebbi, former official of the Union des femmes sahraouies des camps de Tindouf (Rguibat tribe); Julio Bonis Alvarez, Councillor of the Department of the Presidency of the Government of the Canary Islands, Spain; and Elfidio Alonso Quintero, Deputy to the Parliament of the Canary Islands, Spain (see A/C.4/55/SR.5);

(b) At the 6th meeting, on 28 September 2000: Robert Jarry, Mayor, city of Le Mans, France; Felipe Briones Vives, International Association of Jurists for Western Sahara; Francisco José Alonso Rodriguez, President of the Human Rights League of Spain; Salem Bouseif Brahim, on behalf of the Frente POLISARIO; Richard Cazenave, Chairman of the Groupe d'Etudes palementaire sur les droits d l'homme of the French National Assembly; Gaoutah Mohamed Ahmed Baba, former sheikh (Oulad Dlim tribe); and Mohamed Salem Ali Omar Bahia, former sheikh (Laarousyenne tribe) (see A/C.4/55/SR.6);

(c) At the 7th meeting, on 29 September 2000: Ahmed Cherif, former deputy chief of security services (Filada tribe) and Akbar Ali Thobhani, professor at the Metropolitan State College in Denver, Colorado.

Representatives of several Member States posed questions to the petitioners, among them Morocco, Algeria, Gabon, Guinea, Senegal and Antigua and Barbuda.

74. At its 8th meeting, on 3 October, the Committee adopted a draft resolution entitled "Question of Western Sahara" (A/C.4/55/L.3) submitted by the Chairman. After the adoption of the draft resolution, statements in explanation of position were made by the representatives of France (on behalf of the States Members of the United Nations that are members of the European Union and Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia and Slovenia, as well as Iceland and Norway), Morocco, Algeria and Senegal (see A/C.4/55/SR.8).

75. At its 83rd plenary meeting, on 8 December 2000, on the recommendation of the Fourth Committee (A/55/578, para. 24), the General Assembly adopted, without a vote, resolution 55/141 entitled "Question of Western Sahara", the operative part of which reads:

"*The General Assembly*,

"...

"1. *Takes note* of the report of the Secretary-General;

"2. *Commends* the Secretary-General and his Personal Envoy for their outstanding efforts and the two parties for the spirit of cooperation they have shown in the support they provided for those efforts;

"3. *Takes note* of the agreements reached between the Kingdom of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y

de Rio de Oro for the implementation of the settlement plan during their private direct talks under the auspices of James Baker III, the Personal Envoy of the Secretary-General, and urges the parties to implement those agreements fully and in good faith;

"4. *Urges* the two parties to continue their cooperation with the Secretary-General and his Personal Envoy, as well as with his Special Representative, and to refrain from undertaking anything that would undermine the implementation of the settlement plan and the agreements reached for its implementation as well as the continued efforts of the Secretary-General and his Personal Envoy;

"5. *Calls upon* the two parties to cooperate fully with the Secretary-General, his Personal Envoy and his Special Representative in implementing the various phases of the settlement plan and in overcoming the difficulties that remain despite the progress so far achieved;

"6. *Urges* the two parties to implement faithfully and loyally the Secretary-General's package of measures relating to the identification of voters and the appeals process;

"7. *Reaffirms* the responsibility of the United Nations towards the people of Western Sahara, as provided for in the settlement plan;

"8. *Reiterates* its support for further efforts of the Secretary-General for the organization and the supervision by the United Nations, in cooperation with the Organization of African Unity, of a referendum for self-determination of the people of Western Sahara that is impartial and free of all constraints, in conformity with Security Council resolutions 658 (1990) and 690 (1991), by which the Council approved the settlement plan for Western Sahara;

"9. *Takes note* of the relevant Security Council resolutions, including resolutions 1301 (2000) and 1309 (2000);

"10. *Requests* the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue to consider the situation in Western Sahara, bearing in mind the positive ongoing implementation of the settlement plan, and to report thereon to the General Assembly at its fifty-sixth session;

"11. *Invites* the Secretary-General to submit to the General Assembly at its fifty-sixth session a report on the implementation of the present resolution."

V. Other developments

76. On 6 April 2001, the Commission on Human Rights adopted without a vote resolution 2001/1 entitled "Question of Western Sahara", the operative part of which reads:

"*The Commission on Human Rights*,

"...

"1. *Takes note* of the report of the Secretary-General;

"2. *Takes note* of the agreements reached between the Kingdom of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro for the implementation of the settlement plan during their private and direct talks under the auspices of Mr. James Baker III, the Personal Envoy of the Secretary-General, and urges the parties to implement those agreements fully and in good faith;

"3. *Commends* the Secretary-General and his Personal Envoy for their outstanding efforts and the two parties for the spirit of cooperation they have shown in the support they provided for those efforts;

"4. *Urges* the two parties to continue their cooperation with the Secretary-General and his Personal Envoy, as well as with his Special Representative, and to refrain from undertaking anything that would undermine the implementation of the settlement plan and the agreements reached for its implementation as well as the continued efforts of the Secretary-General and his Personal Envoy;

"5. *Calls upon* the two parties to cooperate fully with the Secretary-General, his Personal Envoy and his Special Representative in implementing the various phases of the settlement plan and in overcoming the difficulties that remain despite the progress so far achieved;

"6. *Urges* the two parties to implement faithfully and loyally the Secretary-General's package of measures relating to the identification of voters and the appeals process;

"7. *Reaffirms* the responsibility of the United Nations towards the people of Western Sahara, as provided for in the settlement plan;

"8. *Also reaffirms* its support for further efforts of the Secretary-General for the organization and the supervision by the United Nations, in cooperation with the Organization of African Unity, of a referendum on self-determination of the people of Western Sahara that is impartial and free of all constraints, in conformity with Security Council resolutions 658 (1990) and 690 (1991), in which the Council approved the settlement plan for Western Sahara;

"9. *Takes note* of the relevant Security Council resolutions, including resolutions 1131 (1997), 1238 (1999), 1263 (1999), 1292 (2000), 1301 (2000), 1309 (2000), 1324 (2000) and 1342 (2001);

"10. *Notes* that the General Assembly has requested the Special Committee on the Situation with regard to the Implementation of the Declaration of the Granting of Independence to Colonial Countries and Peoples to continue to consider the situation in Western Sahara, bearing in mind the positive ongoing implementation of the settlement plan, and to report thereon to the Assembly at its fifty-sixth session;

"11. *Also notes* that the General Assembly has invited the Secretary-General to submit to it, at its fifty-sixth session, a report on the implementation of Assembly resolution 55/141."